

REMARKS

The foregoing amendment cancels withdrawn claims 8-11 and amends independent claims 1 and 5. Pending in the application are claims 1-7 and 12-15, of which claims 1 and 5 are independent. The following comments address all stated grounds for rejection and place the presently pending claims, as identified above, in condition for allowance.

Claim 1 is amended to specify that the liquid exhaust mechanism is separate from reactive gas exits from which reactive gas is exhausted from the humidifier. Support for the amendment can be found throughout the application as originally filed, at least, for example, in Figure 2 and on page 9, second and third paragraphs.

Claim 5 is amended to specify that the liquid exhaust mechanism is separate from off-gas exits from which off-gas is exhausted from the humidifier. Support for the amendment can be found throughout the application as originally filed, at least, for example in Figure 14 and on page 21, first through third full paragraphs. *No new matter is added.*

Amendment and/or cancellation of the claims are not to be construed as an acquiescence to any of the objections/rejections set forth in the instant Office Action, and were done solely to expedite prosecution of the application. Applicants reserve the right to pursue the claims as originally filed, or similar claims, in this or one or more subsequent patent applications.

35 U.S.C. §102 Rejections

Applicants thank the Examiner for the close review of the claims and for indicating that claims 2-4, 6 and 7 recite patentable subject matter. Applicants also thank the Examiner for the withdrawal of the previous art rejection over the admitted prior art in US application 09/764277 (APA '277). In the present Office Action, the Examiner rejects claims 1, 5, 14 and 15 under 35 U.S.C. 102(a) as being anticipated by Applicants' admitted prior art in the present U.S. Patent Application (hereinafter referred to as APA'104). Applicants respectfully submit that the pending claims distinguish patentably over the admitted prior art in this application.

The present invention provides for the separate collection and exhausting of condensed liquid produced by an off-gas from the exhausting of humidified reactive gas and/or the exhausting of off-gas from a humidifier. Claim 1 specifies that a liquid exhaust mechanism is separate from the reactive gas exits in a humidifier. Claim 5 specifies that a liquid exhaust mechanism is separate from off-gas exits from which an off-gas is exhausted from a humidifier. In contrast, the admitted prior art does not teach or suggest a liquid exhaust mechanism having such a structure. According to the Examiner, the admitted prior art has a “liquid exhaust mechanism” that may include an upper supply reactive gas outlet and a lower supply reactive gas outlet. However, the admitted prior art does not teach or suggest a liquid exhaust mechanism provided separate from supply reactive gas exits and/or off-gas exits, as recited in claims 1 and 5, respectively.

Therefore, claims 1 and 5 are allowable, and claims 12-15, each of which depends from the allowable claim 1 or claim 5, should also be allowable.

Double Patenting Rejection

Claims 1, 5 and 12-15 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 5 of U.S. Patent No. 6,554,261 in view of applicants’ admitted prior art in the U.S. application 09/970,104 (hereinafter referred to as APA’104). Applicants submit that the claims distinguish patentably over U.S. Patent No. 6,554,261 and the admitted prior art, because neither teaches or suggests a separate liquid exhaust mechanism that exhausts liquid separately from a reactive gas and/or an off-gas.


CONCLUSION

For at least the foregoing reasons, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If, however, the Examiner considers that obstacles to allowance of these claims persist, we invite a telephone call to Applicant's representative at the telephone number listed below.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. SIW-013 from which the undersigned is authorized to draw.

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Respectfully submitted,

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